

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-006001

06/03/2011

HON. JOHN REA

CLERK OF THE COURT
L. Gilbert
Deputy

WESTVIEW CROSSING HOMEOWNERS
ASSOCIATION

JOHN C HENDRICKS

v.

PETINA M JOHNSON, et al.

PETINA M JOHNSON
8918 W LA REATA
PHOENIX AZ 85037

VICTOR D JOHNSON
8918 W LA REATA
PHOENIX AZ 85037
PHILIP N BROWN

MINUTE ENTRY

East Court Building – Courtroom 414

2:25 p.m. This is the time set for Oral Argument on Counter-Defendant Westview Crossing Homeowners Association's ("Westview") April 5, 2011 Motion for Sanctions or Summary Judgment and Defendant Petina M. Johnson's April 26, 2011 Request to Appoint Victor Johnson as Defendant and Counter Claimant in Place of Petina M. Johnson. Counter-Defendant Westview is represented by counsel, Douglas Shamah. Plaintiff Westview is represented by counsel, Lydia Peirce Linsmeier.

A record of the proceedings is made by audio/videotape in lieu of a court reporter.

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LET THE RECORD REFLECT that Victor Johnson, while not being a named defendant in this matter, is present.

Discussion is held regarding what standing Mr. Johnson has to defend Plaintiff's Complaint and assert counterclaims on behalf of Petina M. Johnson, as Trustee of the Petina M. Johnson Revocable Living Trust ("Johnson") dated May 23, 2008.

IT IS ORDERED that Victor Johnson shall provide a copy of the Trust to the Court and counsel for Plaintiff and Counter-Defendant Westview no later than **June 17, 2011** so that the Court may determine what, if any, standing Mr. Johnson has in this matter. Counter-Defendant may then file a supplemental response to Defendant Petina M. Johnson's April 26, 2011 Request to Appoint Victor Johnson as Defendant and Counter Claimant in Place of Petina M. Johnson, based on information provided in the Trust. Counterclaimant may file a reply. Once the matter is fully briefed, the Court will either rule based on the pleadings or, if the Court feels necessary, request oral argument and a date will be set via separate minute entry.

Argument is presented and statements are made to the Court with respect to Counter-Defendant Westview's Motion for Sanctions or Summary Judgment.

For the reasons stated on the record, the Court will treat Westview's Motion for Summary Judgment as a Motion to Dismiss.

With regards to Counter-Defendant Westview's Motion to Dismiss,

IT IS ORDERED Counterclaimant Johnson is granted leave through **July 5, 2011** to 1) file an amended counterclaim that adequately asserts a claim(s) for relief under Arizona law and 2) arrange a date for her deposition. If Counterclaimant fails to comply with the Court's order, the Counterclaim will be dismissed.

ATTENTION SELF-REPRESENTED LITIGANTS: Unless an attorney becomes of record, the person(s) not represented by an attorney will act as his or her own attorney. Only a licensed attorney in good standing with the Arizona State Bar may represent a corporation or trust in the Superior Court. **All persons representing themselves are held to the same standard as a licensed attorney.** This is so no unfair advantage is given to the person without an attorney.

The procedure for filing any pleading, motion, memorandum, or other document required to be filed is to file the original with the Clerk of the Superior Court with copies being mailed to this division and to opposing counsel/parties. All pleadings are to include a certificate of mailing verifying copies are being sent to all parties or their counsel if represented, and to this division.

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All proposed orders, submitted to this division, are to include copies of the order with self-addressed, stamped envelopes for all parties/counsel.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>

2:55 p.m. Matter concludes.

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.